

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MOHAMED ALASSANE KARZO,

Plaintiff

v.

21-cv-00667-LCB-LPA

MATADOR RECORDS, INC., et. al.,

Defendants

ANSWER AND DEFENSES OF DEFENDANT REDEYE, INC.

NOW COMES Defendant Redeye, Inc. (“Redeye”) and under Fed. R. Civ. P. 12 hereby respond to the Plaintiff’s Complaint as follows:

I.

FIRST DEFENSE AND ANSWER

Redeye responds to the correspondingly numbered paragraphs of the Plaintiff’s Complaint as follows:

1. It is admitted that Plaintiff purports to bring the types of claims listed.
2. This Paragraph asserts a legal conclusion to which no response is required.
3. This Paragraph asserts a legal conclusion to which no response is required.
4. This Paragraph does not require a response.
5. Denied for lack of knowledge or information.
6. Admitted upon information and belief.
7. Admitted.
8. Denied.
9. Denied.

10. Denied.
11. Admitted upon information and belief.
12. It is admitted upon information and belief that Mahamadou Souleymane is known by the stage name “M/Dou Moctar” and is a resident of Tahoua, Niger. The rest and remainder of this Paragraph is denied.
13. It is admitted upon information and belief that M’Dou Moctar (the Band) is comprised of the Answering Defendants. The rest and remainder of this Paragraph is denied.
14. It is admitted upon information and belief that Michael Coltun is a resident of New York, New York. The rest and remainder of this Paragraph is denied.
15. It is admitted upon information and belief that Ahmoudou Madassane is a resident of Agadez, Niger. The rest and remainder of this Paragraph is denied.
16. It is admitted upon information and belief that Souleymane Ibrahim is a resident of Agadez, Niger. The rest and remainder of this Paragraph is denied.
17. This Paragraph does not require a response.
18. Denied for lack of knowledge or information.
19. Denied for lack of knowledge or information.
20. Denied for lack of knowledge or information.
21. Denied for lack of knowledge or information.
22. Denied for lack of knowledge or information.
23. Denied for lack of knowledge or information.
24. Denied for lack of knowledge or information.
25. Denied for lack of knowledge or information.
26. Denied for lack of knowledge or information.

27. Denied for lack of knowledge or information.
28. Denied for lack of knowledge or information.
29. Denied for lack of knowledge or information.
30. Denied for lack of knowledge or information.
31. Denied for lack of knowledge or information.
32. Denied for lack of knowledge or information.
33. Denied for lack of knowledge or information.
34. Denied for lack of knowledge or information.
35. Denied for lack of knowledge or information.
36. Denied for lack of knowledge or information.
37. Denied for lack of knowledge or information.
38. Denied for lack of knowledge or information.
39. Denied for lack of knowledge or information.
40. Denied for lack of knowledge or information.
41. Denied for lack of knowledge or information.
42. Denied for lack of knowledge or information.
43. Denied for lack of knowledge or information.
44. Denied for lack of knowledge or information.
45. Denied for lack of knowledge or information.
46. Denied for lack of knowledge or information.
47. Denied for lack of knowledge or information.
48. Denied for lack of knowledge or information.
49. Denied for lack of knowledge or information.

50. Denied for lack of knowledge or information.
51. Denied for lack of knowledge or information.
52. Denied for lack of knowledge or information.
53. Denied for lack of knowledge or information.
54. Denied for lack of knowledge or information.
55. Denied for lack of knowledge or information.
56. Denied for lack of knowledge or information.
57. Denied for lack of knowledge or information.
58. Denied for lack of knowledge or information.
59. Denied for lack of knowledge or information.
60. Denied.
61. Denied.
62. Denied.
63. Denied.
64. It is admitted that the lyrics stated appear to be correct. The rest and remainder of this paragraph is denied.
65. Denied.
66. Denied.
67. Denied.
68. Denied for lack of knowledge or information.
69. Denied for lack of knowledge or information.
70. Denied for lack of knowledge or information.
71. Denied.

- 72. Denied.
- 73. Admitted upon information and belief.
- 74. Admitted upon information and belief.
- 75. Denied.
- 76. It is admitted that the members of M'Dou Moctar credited themselves, and not Karzo, in writing their song. The rest and remainder of this paragraph is denied.
- 77. Denied.
- 78. Denied.
- 79. Denied.
- 80. Denied.
- 81. Denied for lack of knowledge or information.
- 82. Denied.
- 83. Denied.
- 84. Denied.
- 85. This Paragraph does not require a response.
- 86. Denied for lack of knowledge or information.
- 87. Denied for lack of knowledge or information.
- 88. Denied for lack of knowledge or information.
- 89. Denied for lack of knowledge or information.
- 90. Denied.
- 91. Denied for lack of knowledge or information.
- 92. Denied.
- 93. Denied.

94. Denied.

95. It is admitted that Afrique Victime was released on or about May 21, 2021. The rest and remainder of this paragraph are denied.

96. It is admitted that Plaintiff is not credited for the album Afrique Victime. The rest and remainder of this paragraph are denied.

97. Denied.

98. Denied.

99. Denied for lack of knowledge or information.

100. Denied.

101. Denied.

102. Denied.

103. Denied.

104. This Paragraph does not require a response.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

115. This Paragraph does not require a response.
116. Denied.
117. Denied.
118. Denied.
119. This Paragraph does not require a response.

II.

DEFENSES

Redeye asserts the following additional defenses against the Plaintiff's claims:

SECOND DEFENSE – FAILURE TO STATE A CLAIM

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE – INDEPENDENT DEVELOPMENT

The work in question was independently developed, and therefore, not subject to a copyright, if any, owned by the Plaintiff.

FOURTH DEFENSE – LACK OF ORIGINALITY

Plaintiff's work as alleged herein is not copyrightable for lack of originality.

FIFTH DEFENSE – STATUTE OF LIMITATIONS

Plaintiff's claim(s) may be barred by the applicable statute of limitations.

SIXTH DEFENSE – 17 U.S.C. § 412

17 U.S.C. § 412 stands as a bar to Plaintiff's claims for attorneys' fees and/or statutory damages under U.S. Copyright law.

SEVENTH DEFENSE – RESERVATION

Redeye reserves the right to assert additional defenses as the same become apparent during the course of this litigation.

III.

DEMAND FOR JURY TRIAL

Redeye hereby demands a jury trial pursuant to Fed. R. Civ. P. 38.

IV.

PRAYER FOR RELIEF

WHEREFORE, Defendant Redeye, Inc. respectfully request this Court to deny the relief sought in Plaintiff's Complaint, to award Defendant Redeye, Inc. costs and attorney fees when permitted under the law, to grant Defendant Redeye, Inc. a jury trial on all issues so triable, and to award Defendant Redeye, Inc. such other and further relief as this Court deems just and proper.

This the 22nd day of October 2021.

Wyatt Early Harris Wheeler LLP
Attorneys for Defendant Redeye, Inc.

By: /s/ Donovan J. Hylarides

Donavan J. Hylarides
N.C. State Bar # 44487
dhylarides@wehwlaw.com
1912 Eastchester Drive, Suite 400
High Point, NC 27265
Direct Telephone: (336) 819-6009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **ANSWER AND DEFENSES OF DEFENDANT REDEYE, INC.** was electronically filed with the Clerk of Court by using the CM/ECF System and was therefore served under Fed. R. Civ. P. 5(b)(2)(F).

This the 22nd day of October 2021.

Wyatt Early Harris Wheeler LLP
Attorneys for Defendant Redeye, Inc.

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